IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

MAUREEN TOFFOLONI, as Administrator and Personal Representative of the ESTATE OF NANCY E. BENOIT, Plaintiff, vs. **LFP PUBLISHING GROUP, LLC,** d/b/a Hustler Magazine, et al, Defendant.	)))))))))))))	CASE NO. 1:08-cv-00421-TWT

BRIEF IN SUPPORT OF DEFENDANT'S MOTION
FOR PROTECTIVE ORDER

EXHIBIT C

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

MAUREEN TOFFOLONI, as Administrarix and Personal Representative of the ESTATE OF NANCY E. BENOIT, Plaintiff, v. LFP PUBLISHING GROUP, LLC, d/b/a Hustler Magazine, MARK SAMANSKY, an Individual, and other distributors and sellers of, Hustler Magazine, as Defendants X, Y, and Z, Defendants.	)))))))))))))))))	CIVIL ACTION FILE NO. 1:08-CV-0421-TWT

PLAINTIFF'S FIRST INTERROGATORIES
TO DEFENDANT, LFP PUBLISHING GROUP, LLC

COMES NOW, Plaintiff, Maureen Toffoloni, as Administratrix and Personal Representative of the Estate of Nancy E. Benoit, through counsel and submits these her First Continuing Interrogatories to Defendant LFP Publishing Group, LLC as follows:

I. INTRODUCTION

Pursuant to Fed. R. Civ. P. Rule 33, you are requested and instructed to answer the following Interrogatories, separately and fully in writing under oath, and to serve your answer upon counsel for Plaintiff within thirty (30) days after service pursuant to Fed. R. Civ. P. Rule 33.

If you object to any portion of any interrogatory, answer such interrogatory fully to the extent that such objection does not apply. If you are unable to give an exact date or amount, please give the best approximate date or amount which can be provided. If you are unable to answer any part of any Interrogatory, answer the remaining parts as fully as possible and specify which part or parts you are unable to answer and why.

II. DEFINITIONS

1. When used herein, the term "identify" when used in connection with individuals, means to provide the individual's name, last known address, and current telephone number, if known. "Identify" when used in connection with documents, means to identify the location of a document, and the individual who has possession of the document now. If a document is a part of a group of documents, they may be described by group, provided that the description is sufficient to identify

the documents contained in the group. If the document has been previously identified fully, it may be identified by name in subsequent responses.

2. When used herein, the terms "LFP," "Hustler Magazine," and "Defendant" or "you" or "your" refer to the Defendant in this action, LFP Publishing Group, LLC d/b/a Hustler Magazine, and any officer or employee thereof, or any subsidiary or parent company thereof, unless specifically designated by the introduction to the interrogatory.

NOTE: When used in these Interrogatories, the term Defendant or any synonym thereof is intended to and shall embrace and include, in addition to said Defendant, all agents, servants, representatives, private investigators, and others who are in a position for or may have obtained information for or on behalf of the Defendant.

3. When used herein, "Ms. Toffoloni" and "Plaintiff" refer to the Plaintiff in this action, Maureen Toffoloni, as Administratrix and Personal Representative of the Estate of Nancy E. Benoit, unless specifically designated by the introduction to the Interrogatory.

4. As used herein, "document" shall mean, without limitation, every writing or record of every type and description that is or has been in the possession,

control, or custody of Defendant or of which Defendant has knowledge, including, without limitation, whether in draft or final: correspondence, invoices, contracts, agreements, purchase orders, memoranda, tapes, stenographic or handwritten notes, studies, publications, books, pamphlets, pictures, films, photographs, voice recordings, maps, graphs, reports, surveys, or statistical compilations, every copy of such a writing or record where the original is not in the possession, custody, or control of Defendant, and every copy of every such record where such copy is not an identical copy of an original or where such copy contains any commentary or notation whatsoever that does not appear on the original.

5. As used herein, "person" shall mean any individual, firm, association, governmental agency, or any other organization or entity.

6. As used herein, "date" shall mean the exact date, month, and year, if ascertainable, or if not, the best available approximation (including relationship to other events).

7. As used herein, "identify" or "specify," when used in reference to:

(a) a person who is an individual, means to state his full name, present or last known residence address (designating which) and present and last known business or government affiliation (designating which) job title, employment address, business, and residence telephone numbers (designating which);

(b) in the case of a document, the title (if any), the date, author, sender, recipient, the identity of the person signing it, type of document (i.e., a letter, memorandum, book, telegram, chart, etc.) or some other means of identifying it, and its present location;

(c) in the case of an oral communication, the date, subject matter, communicator, communicatee, nature of the communication, whether it was recorded or otherwise memorialized, and the identity of any witnesses thereto; in the case of a document within the possession, custody, control, or access of Defendant, whether Defendant will make it available to Plaintiff's attorneys for inspection and/or copying; and in the case of a document that was, but is no longer, in the possession, custody, or control of Defendant, what disposition was made of it, and why.

8. Time -- unless otherwise indicated, each Interrogatory is limited to the period from 2006 through and including the date of your answer hereto.

9. When the identification of documents is requested by these Interrogatories, Defendant may, in lieu of identification, attach legible copies of the

documents to its answer to the Interrogatories, provided it marks each document to designate the paragraph of the Interrogatory to which the document is responsive.

NOTE: These Interrogatories shall be deemed continuing to the extent required by law. You are requested to (a) seasonably supplement any response directed to the identity and location of persons having knowledge of discoverable matters, as well as the identity of each person expected to be called as an expert witness at trial, the subject matter of which he is expected to testify, and the substance of his testimony; and (b) amend any prior response if you subsequently learn that the original response was incorrect or if you learn that although correctly made, the original response is no longer true and the circumstances are such that a failure to amend the response is, in substance, a knowing concealment.

III. INTERROGATORIES

(1)

Please state the name, address, telephone number and occupation, job or profession of each person whom you expect to call as an expert witness upon the trial of this case and with respect to each such person, please state:

(a) the subject matter on which the expert is expected to testify;

(b) the substance of the facts and opinions to which the expert is expected to testify; and

(c) a summary of the grounds for each opinion.

(2)

Please state the name, address, telephone number and occupation, job or profession of any expert who has been consulted, retained, or specially employed by you or, to your knowledge, by anyone else in anticipation of this litigation or in preparation for trial, and who may have knowledge of any of the facts in this case.

(3)

Identify, as that term is defined herein, *supra*, any persons known to the Plaintiff to have any knowledge regarding the facts and circumstances surrounding the occurrences referred to in the Complaint, state what facts are believed to be known by each person, and state whether written or recorded statements have been taken from any of these persons, and, if so, identify which persons have given such statements.

(4)

If you have refused to respond, or withheld information or documents in response to any of these Interrogatories or Requests for Production of Documents in reliance on any privilege or doctrine of trial preparation material, please state the privilege (or doctrine) asserted, and describe the information or document withheld with sufficient specificity as to allow a judicial determination as to whether the doctrine or privilege is applicable.

(5)

Identify each and every instance, including, but not limited to, magazines videos, DVDs, internet sites, content, movies, or any other medium in which the Defendants, or any of them, or any parent company, partner, agent, affiliate, or licensee of any Defendant published, broadcast, displayed, or otherwise disseminated or made available to the public nude and/or partially nude images (hereinafter the "images") of Nancy Elizabeth Benoit (hereinafter "Ms. Benoit").

(6)

Provide a complete accounting of all money, revenue, fees, income or other things of value received by Defendants, or any of them, as the result of sales or licenses of any media containing images of Ms. Benoit.

(7)

For purposes of Plaintiff's claim for punitive damages, state the net worth of Defendant LFP Publishing Group, LLC for the years ending 2006, 2007, 2008, and 2009 to date.

(8)

For purposes of Plaintiff's claim for punitive damages, state the net worth of LE Publishing, LLC for the years ending 2006, 2007, 2008, and 2009 to date.

(9)

For purposes of Plaintiff's claim for punitive damages, state the net worth of L.F.P., Inc. for the years ending 2006, 2007, 2008, and 2009 to date.

(10)

Identify each and every instance in which Defendants' agents, employees, partners, or licensees discussed or communicated in any way about the subject of the Defendants' plans to publish or disseminate, and the publishing of the images of Ms. Benoit. This request includes all internal and external emails, memoranda, facsimiles, and notes of oral discussions by, among, and between Defendants' agents, employees, partners, or licensees, wherever located, concerning the subject of Defendants' acquisition of, payment for, publication, licensing and/or revenues from and potential liability for the dissemination of nude and partially nude images of Ms. Benoit.

(11)

Identify the amount of money or other things of value Defendant LFP Publishing Group, LLC or any related person or entity paid Mark Samansky for nude and/or partially nude images of Ms. Benoit.

(12)

Identify the person and/or persons who made the decision to publish and/or authorized the publication and/or licensing of nude and/or partially nude images of Ms. Benoit in the so-called "March 2008" edition of "Hustler Magazine."

(13)

Identify any document signed by Ms. Benoit, or anyone purporting to act on her behalf, relating to the images of Ms. Benoit published in the March 2008 edition of Hustler Magazine.

(14)

Identify each and every instance in 2006, 2007, 2008 and 2009 to date, when the Defendant LFP Publishing Group, LLC or any affiliated company, paid a model, celebrity, actor or other performer or private individual for the use of nude images of any such persons, and the amount paid to each such person.

(15)

Identify the person who has custody and control of the documents identified in Interrogatories numbered (1) through (14) above.

Respectfully submitted October 16, 2009.

RICHARD P. DECKER
State Bar of Georgia #215600
F. EDWIN HALLMAN, JR.
State Bar of Georgia #319800
RICHARD A. WINGATE
State Bar of Georgia #770617
ZACHARY M. WILSON III
State Bar of Georgia #559581

For HALLMAN & WINGATE, LLC
Attorneys for Plaintiff

166 Anderson Street, S.E.
Suite 210
Marietta, Georgia 30060
(404) 588-2530

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MAUREEN TOFFOLONI, as Administrarix and Personal Representative of the ESTATE OF NANCY E. BENOIT, Plaintiff,	)	
v.	)	CIVIL ACTION FILE NO. 1:08-CV-0421-TWT
LFP PUBLISHING GROUP, LLC, d/b/a Hustler Magazine, MARK SAMANSKY, an Individual, and other distributors and sellers of, Hustler Magazine, as Defendants X, Y, and Z, Defendants.	)	

CERTIFICATE OF SERVICE

This is to certify that on October 16, 2009, I have served the following counsel in the foregoing matter with Plaintiff's First Interrogatories to Defendant LFP Publishing Group, LLC by placing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to:

Barry J. Armstrong, Esq.
James Clifton Rawls, Esq.

S. Derek Bauer, Esq.
Darrell Jay Solomon, Esq.
McKenna, Long & Aldridge
303 Peachtree Street, N.E.
Suite 5300
Atlanta, GA 30308

William M. Feigenbaum, Esq.
Jeffrey F. Reina, Esq.
Paul J. Cambria, Esq.
Lipsitz, Green, Scime, Cambria, LLP
42 Delaware Avenue, Suite 120
Buffalo, NY 14202

RICHARD P. DECKER
State Bar of Georgia #215600

For HALLMAN & WINGATE, LLC
Attorneys for Plaintiff

166 Anderson Street, S.E.
Suite 210
Marietta, Georgia 30060
(404) 588-2530

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